

Hearing Date: February 5, 2020 at 10:00 a.m. ET
Objections Due: January 29, 2020 at 4:00 p.m. ET

SILVERMANACAMPORA LLP
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300
Ronald J. Friedman, Esq.
Brian Powers, Esq.
Haley L. Trust, Esq.
Counsel to the Reorganized Debtors

AKIN GUMP STRAUSS HAUER & FELD LLP
One Bryant Park
New York, New York 10036
(212) 872-1000
Philip C. Dublin, Esq.
Abid Qureshi, Esq.
Brian T. Carney, Esq.
Kevin Zuzolo, Esq.
Counsel to the Litigation Trust

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

AEGEAN MARINE PETROLEUM
NETWORK, INC., *et al.*¹

Chapter 11

Case No: 18-13374 (MEW)

Reorganized Debtors.
-----X

**NOTICE OF HEARING ON SECOND JOINT
MOTION OF THE REORGANIZED DEBTORS
AND THE LITIGATION TRUSTEE FOR ENTRY OF
AN ORDER EXTENDING DEADLINE TO OBJECT TO CLAIMS**

PLEASE TAKE NOTICE, that the Reorganized Debtors in these chapter 11 cases (the “**Reorganized Debtors**”),² by their attorneys, SilvermanAcampora LLP, and Peter Kravitz, as trustee (the “**Litigation Trustee**”) for the litigation trust (the “**Litigation Trust**”) established to facilitate the implementation of the *Joint Plan of Reorganization of Aegean Marine Petroleum Network Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code*, dated March 22, 2019 (ECD Doc. No. 503-1) (the “**Plan**”), through counsel, Akin Gump Strauss Hauer & Feld LLP, jointly filed a motion (the “**Motion**”) dated January 17, 2020, seeking entry of an

¹ Due to the large number of Reorganized Debtors in these chapter 11 cases, a complete list of the Reorganized Debtors and the last four digits of their tax identification, registration, or like numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <http://dm.epiq11.com/Aegean>. The location of Debtor Aegean Bunkering (USA) LLC’s principal place of business and the Reorganized Debtors’ service address in these chapter 11 cases is 52 Vanderbilt Avenue, Suite 1405, New York, New York 10017.

² Aegean Marine Petroleum Network, Inc. (Case No. 18-17334 (MEW)) is not a Reorganized Debtor.

order sections 1142 and 105(a) of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Local Rule 9006-2 of the United States Bankruptcy Court for the Southern District of New York Local Rules and Orders (the “**Local Rules**”) extending the deadline to object to claims for one hundred twenty days (120) days, from January 28, 2020 through and including May 27, 2020 , and will move before the Honorable Michael E. Wiles, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton U.S. Custom House, One Bowling Green, New York, New York 10004-1408, on **February 5, 2020 at 10:00 a.m.** (the “**Hearing**”), or as soon thereafter as counsel can be heard, concerning the relief sought in the Motion.

PLEASE TAKE FURTHER NOTICE, that objections to the Motion, if any, must be filed with the Court electronically in accordance with General Order M-399 by registered users of the Court’s electronic case filing system, and by all other parties in interest, mailed to the Clerk of the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton U.S. Custom House, One Bowling Green, New York, New York 10004-1408, with a hard copy delivered directly to the Chambers of the Honorable Michael E. Wiles, and served in accordance with General Order M-399 or other form upon (i) attorneys for the Reorganized Debtors, SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, Attention: Brian Powers, Esq.; (ii) counsel to the Litigation Trustee, Akin Gump Strauss Hauer & Feld LLP, One Bryant Park, New York, New York 10036, Attention: Brian T. Carney and Kevin Zuzolo; (iii) the Office of the United States Trustee, the U.S. Federal Office Building, 201 Varick Street, Room 1006, New York, New York 10014, Attention: Brian Masumoto; and (iv) those parties on the Service List, as defined in the *Order Establishing Certain Notice, Case*

Management, and Administrative Procedures (ECF Doc. No. 109), so as to be received no later than **January 29, 2020 at 4:00 p.m. ET.**

PLEASE TAKE FURTHER NOTICE, that the Hearing may be adjourned without further notice other than the announcement of such adjournment in open Court, or the filing of a notice of adjournment on the Docket of the Reorganized Debtors' case.

Dated: Jericho, New York
January 17, 2020

SILVERMANACAMPORA LLP
Counsel to the Reorganized Debtors

By: s/ Ronald J. Friedman
Ronald J. Friedman
Member of the Firm
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300
RFriedman@sallp.com

Dated: New York, New York
January 17, 2020

AKIN GUMP STRAUSS HAUER & FELD LLP
Counsel to the Litigation Trust

By: s/ Philip C. Dubin
Philip C. Dubin
Abid Qureshi
Brian T. Carney
Kevin Zuzolo
One Bryant Park
New York, New York 10036
(212) 872-1000
pdublin@akingump.com
bcarney@akingump.com
aqureshi@akingump.com
kzuzolo@akingump.com

SILVERMANACAMPORA LLP
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

AEGEAN MARINE PETROLEUM
NETWORK, INC., *et al.*¹

Chapter 11

Case No: 18-13374 (MEW)

Reorganized Debtors.
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**SECOND JOINT MOTION OF THE REORGANIZED
DEBTORS AND THE LITIGATION TRUST FOR ENTRY OF
AN ORDER EXTENDING DEADLINE TO OBJECT TO CLAIMS**

The Reorganized Debtors in these chapter 11 cases (the “**Reorganized Debtors**”),² by their attorneys, SilvermanAcampora LLP, and Peter Kravitz, as trustee (the “**Litigation Trustee**”) for the litigation trust (the “**Litigation Trust**”) established to facilitate the implementation of the *Joint Plan of Reorganization of Aegean Marine Petroleum Network Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code*, dated March 22, 2019 (ECF Doc. No. 503-1) (the “**Plan**”), through counsel, Akin Gump Strauss Hauer & Feld LLP, hereby submit this joint motion (the “**Motion**”) for entry of an order extending the deadline to

¹ Due to the large number of Reorganized Debtors in these chapter 11 cases, a complete list of the Reorganized Debtors and the last four digits of their tax identification, registration, or like numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <http://dm.epiq11.com/Aegean>. The location of Debtor Aegean Bunkering (USA) LLC’s principal place of business and the Reorganized Debtors’ service address in these chapter 11 cases is 52 Vanderbilt Avenue, Suite 1405, New York, New York 10017.

² Aegean Marine Petroleum Network, Inc. (Case No. 18-17334 (MEW)) (“**Aegean**”) is not a Reorganized Debtor.

object to claims for one hundred and twenty (120) days, from January 28, 2020 through and including May 27, 2020, and respectfully set forth and represent as follows:

JURISDICTION

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).
2. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The bases for the relief requested herein are sections 1142 and 105(a) of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Local Rule 9006-2 of the United States Bankruptcy Court for the Southern District of New York Local Rules and Orders (the “**Local Rules**”).

BACKGROUND

4. On November 6, 2018 (the “**Petition Date**”), each of the Debtors filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) with this Court.
5. On December 18, 2018, the Court entered an order (ECF Doc. No. 240) establishing February 8, 2019 as the date by which proof of claims or interests (collectively, the “**Claims**”) were required to be filed in the Reorganized Debtors’ cases (the “**Bar Date**”); and establishing May 6, 2019 as the governmental bar date (the “**Governmental Bar Date**”), and collectively with the Bar Date, the “**Bar Dates**”).
6. On March 29, 2019, the Court entered an order confirming Plan.
7. Pursuant to Article VIII.B.1 of the Plan, the Reorganized Debtors were authorized and given the sole right and the discretion to file objections to Claims and Interests other than

Aegean Unsecured Claims in Class 4A, Section 510(b) Claims in Class 7, and Aegean Interests in Class 8.

8. The Plan became effective on April 3, 2019 (the “**Effective Date**”). On the Effective Date, the Litigation Trust was created pursuant to the Plan and the Litigation Trust Agreement, dated as of April 3, 2019, by and among Aegean, the other Debtors and the Non-Debtor Subsidiaries, as settlers, and the Litigation Trustee.³ Pursuant to Article VIII.B.2 of the Plan, the Litigation Trustee has the sole authority to file, withdraw or litigate to judgment objections to Disputed Aegean Unsecured Claims in Class 4A, Disputed Section 510(b) Claims in Class 7, and Disputed Aegean Interests in Class 8.

9. Article I.A.24 of the Plan provides for a deadline of one hundred and eighty (180) days from the Effective Date, or September 30, 2019, in which objections to Claims must be filed, unless otherwise extended by the Court (the “**Claims Objection Deadline**”).

10. On September 6, 2019, the Reorganized Debtors and the Litigation Trustee filed a joint motion to extend Claims Objection Deadline from September 30, 2019, through and including January 28, 2020. On September 24, 2019, the Court entered an order extending the Claims Objection Deadline to January 28, 2020 (ECF Doc. No. 607).⁴

11. The Plan provides that the Court retains jurisdiction concerning issues involving the Claims and objections to the Claims.

RELIEF REQUESTED

12. By this Motion, the Reorganized Debtors and the Litigation Trust request that the Court extend the Claims Objection Deadline for an additional one hundred and twenty (120)

³ Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Plan.

⁴ Pursuant to Local Rule 9006-2, because this Motion was filed prior to the expiration of the Claims Objection Deadline, the Claims Objection Deadline has been extended through and including the date of the hearing on this Motion.

days, from January 28, 2020 through and including May 27, 2020, without prejudice to the rights of the Reorganized Debtors or the Litigation Trust to request further extensions.

BASIS FOR RELIEF

13. As explained below, a second extension of the Claims Objection Deadline should be granted because the Reorganized Debtors and the Litigation Trust require additional time to analyze, and possibly object to, to the remaining claims filed in the Reorganized Debtors' cases.

14. The Plan provides the Court with express authority to extend the Claims Objection Deadline. *See* Plan Art. I.A.24 and VIII.E. Further, Bankruptcy Rule 9006(b) provides that a bankruptcy court, for cause shown, may extend a time period provided for under the Bankruptcy Rules or order of the court, except for certain time periods which are not applicable here. *See* FED. R. BANKR. P. 9006(b). Additionally, the requested extension is consistent with the Court's authority under Bankruptcy Code sections 105 and 1142(b) to issue orders necessary for the consummation and implementation of the Plan. *See In re Oversight & Control Comm'n of Avanzit, S.A.*, 385 B.R. 525, 535 (Bankr. S.D.N.Y. 2008) ("The bankruptcy court retains jurisdiction under 11 U.S.C. § 1142(b) . . . and it has 'continuing responsibilities to satisfy itself that the [p]lan is being properly implemented.'") (internal citations omitted); 11 U.S.C. § 105(a) ("The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions [of the Bankruptcy Code].").

15. The claim register in these cases include a total of 559 claims filed against all seventy five (75) of the Debtors' estates. Although the Reorganized Debtors and the Litigation Trust, along with their respective professionals, have been diligently analyzing and objecting to claims,⁵ the Reorganized Debtors and the Litigation Trust require an extension of time to finalize

⁵ The Reorganized Debtors and the Litigation Trust have, to date, filed several omnibus claims objections which in total objected to 197 claims.

their review of the Claims. Moreover, due to the large number of Reorganized Debtors and the sheer volume of documents and information included in the Reorganized Debtors' books and records, the Reorganized Debtors and the Litigation Trust and their respective professionals require additional time to analyze the Claims and the Reorganized Debtors' books and records and, if possible, resolve any remaining disputed Claims without the need for filing claims objections.

16. Based on the foregoing, the Reorganized Debtors and the Litigation Trust seek an extension of the Claims Objection Deadline to May 27, 2020, without prejudice to the Reorganized Debtors' and the Litigation Trust's rights to seek additional extensions for cause shown. The Reorganized Debtors and the Litigation Trust believe that the relief requested will conserve the resources of the Reorganized Debtors, the Litigation Trust, and the Court by allowing additional time to review, and possibly resolve, the Claims.

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CONCLUSION

WHEREFORE, the Reorganized Debtors and the Litigation Trust respectfully request that this Court enter an order, in substantially the form attached hereto as **Exhibit A**, extending the Claims Objection Deadline from January 28, 2020 through and including May 27, 2020, and granting such further relief as the Court deems just and proper.

Dated: Jericho, New York
January 17, 2020

SILVERMANACAMPORA LLP
Counsel to the Reorganized Debtors

By: s/ Ronald J. Friedman
Ronald J. Friedman
Member of the Firm
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300
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Dated: New York, New York
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Kevin Zuzolo
One Bryant Park
New York, New York 10036
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pdublin@akingump.com
aqureshi@akingump.com
bcarney@akingump.com
kzuzolo@akingump.com